

Patent Application
Attorney Docket No.: 72167.000141

REMARKS

The Office Action dated December 19, 2005, has been received and carefully considered. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks.

Applicant respectfully submits that claims 91-95 -- which were added by Applicant in the response dated September 15, 2005 -- have not been acknowledged or substantively addressed by the Examiner. Applicant believes that these claims are allowable over the cited references, and respectfully requests acknowledgement of allowance in the next Office Action. However, in the unlikely event that the Examiner rejects these claims in the next Office Action, Applicant respectfully submits that the next Office Action cannot be final so that Applicant will have sufficient opportunity to respond to any rejections or objections of claims 91-95.

L THE OBVIOUSNESS REJECTION OF CLAIMS 1-90

On page 3 of the Office Action, claims 1-12, 14-22, 24-34, 36-41, 43-78, 81-88 and 90 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Savage, U.S. Publication No. 2002/0026394 in view of Schlect, U.S. Patent No. 2,035,285 and Langhammer, U.S. Publication No. 2002/0099622. On page 7 of the Office Action, claims 13, 23, 35, 42, 79, 80 and 89 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Savage in view of Schlect, Langhammer, and further in view of Remington, U.S. Patent No. 6,070,150 or Verderamo, U.S. Patent No. 6,230,145. These rejections are hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation

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of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

A. Independent claims 1, 25, 48 and 67

Regarding independent claims 1, 25, 48 and 67, the Examiner asserts that Savage teaches a method for an ordering and payment allocation system for a seller, the method comprising the acts of:

- a database (page 6, paragraph 0057);
- a network interface coupled to the communications network (page 6, paragraph 0057);
- a processor, the processor executing functions which include (page 6, paragraph 0057):
 - receiving two or more orders from at least one buyer, the orders corresponding to more than one subsidiary of the seller (page 8, paragraph 0067);
 - evaluating the at least one order against one or more criteria, orders which meet the one or more criteria being approved (page 9, paragraph 0079);
 - booking the approved orders (page 10, paragraph 0079);
 - consolidating the orders into a consolidated invoice (page 15, paragraph 0108);
 - making the consolidated invoice available to the at least one buyer (page 15, paragraph 0110);
 - receiving an indication from the at least one buyer as to which of the orders a payment is being approved (page 15, paragraph 0111 and page 11, paragraph 0086-0087); and
 - allocating the payments to a corresponding subsidiary for which the payment has been made (page 15, paragraph 0111).

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1. *"receiving two or more orders from at least one buyer, the orders corresponding to more than one subsidiary of the seller"*

Applicants respectfully submit that Savage does not teach or suggest the claimed step of receiving two or more orders from at least one buyer, the orders corresponding to more than one subsidiary of the seller," as expressly recited in independent claims 1 and 67. While Savage discloses that order data may be captured, it fails to teach or suggest any feature or functionality that receives two or more orders from at least one buyer, where such orders correspond to more than one subsidiary of the seller. For example, the excerpt from Savage cited by the Examiner generally discloses a system where one customer orders from one retail company, as opposed to the claims 1 and 67, which recite receiving two or more orders from at least one buyer the orders corresponding to more than one subsidiary of the seller:

In an embodiment of the present invention, the data elements stored by database 136 include order number, customer number, date ordered (and effectivity dates), and a list of bundles, products, and/or components ordered. Data elements also include method of payment (invoice, credit card), billing preference (separate or combined bill, paper fax, or electronic bill), order status for each component ordered, including supply chain vendor number, supply chain vendor order number, and order status, and detailed information required for each component, such as phone number for long distance, address for electricity, etc. The data elements further include pricing information (and effective dates) for each component ordered and the discount to be applied for any bundles. The system uses a data model with a relationship between the customer 110, orders, bundles, product, component, and discount. The relationship between these tables describes which customers purchased which retail company's bundles, products, and/or components. The customer 110 can place an order to purchase one or more bundles, products, or components. Bundles and products enable the retail company 234 to combine one or more services into a single offering. Products are defined as one or more components and bundles are defined as one or more products. Bundle and product pricing is the sum of the prices of all the components within the bundle/product minus any discount applied for purchasing a bundle.

See, Savage, Page 8, ¶ 0067. Accordingly, Applicants respectfully submit that independent claims 1 and 67 are allowable over the cited references for at least the reasons set forth above.

2. *"consolidating the orders into a consolidated invoice" and "generating a consolidated invoice based on the approved orders"*

Applicants further respectfully submit that Savage does not teach or suggest the step of "consolidating the orders into a consolidated invoice," as expressly recited in independent claims 1 and 67, and "generating a consolidated invoice based on the approved orders," as expressly recited in claims 2 and 48. Rather, Savage merely teaches the step of formatting a statement from aggregated bill data, rather than from "orders":

In an embodiment of the present invention, *the statement generation system 164 receives aggregated bill data, formats a statement, and renders the statement.* The aggregated bill data is received, validated, and stored by the financial institution's system 114. The statement is formatted by identifying the customer format requirements for the individual customer 110 and formatting a universal statement. Rendering the statement involves identifying customer delivery requirements for the individual customer 110 and delivering the universal statement, for example, by print; mail, fax, or the Internet. Once the usage bill is calculated and taxes applied, ownership of the receivable is purchased by the financial institution. The financial institution 100 establishes a consumer agreement to define the credit relationship, payment requirements and rights and obligations. The receivable is purchased at a discount rate, including anticipated net bad debt, financing and servicing costs. The utility compensates the financial institution 100 for "exceptional" bad debt losses and adjustments to cost of funding changes. Bill adjustments are returned to the retailer. Charges are posted to the consumer's combined billing account monthly, or in a manner similar to calling card charges. Each month's charges are due in full. Unpaid balances are subject to the terms and conditions defined by the financial institution 100 in the consumer agreement. Financing options may be added.

See, Savage, Page 15, ¶ 0108 (emphasis added).

While Applicants agree that Savage discloses a method and system that automatically formats a combined bill from aggregated account charges (see Abstract), Applicant respectfully submits such a disclosure does not teach or suggest the steps of *"consolidating ... orders into a consolidated invoice" or "generating a consolidated invoice based on ... approved orders," as*

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expressly recited in each of the independent claims. In particular, there is no teaching or suggestion in Savage that "orders" are themselves into a consolidated invoice, or that a consolidated invoice is generated based on "approved orders." Rather, Savage merely teaches generating a statement from aggregated account charges that are generated or become available after an order has been placed. The claimed invention, on the other hand, generates a consolidated invoice based on orders. Further, to the extent that Savage discloses features or functionality that relate to order-processing, Applicants respectfully submit that there is no teaching or suggestion in Savage that such processing includes the consolidation of such orders into a consolidated invoice or the generation of consolidated invoices based on orders received.

Accordingly, Applicants respectfully submit that independent claims 1, 25, 48 and 67 are allowable over the cited references for at least the reasons set forth above.

3. *"receiving an indication from the at least one buyer as to which of the orders a payment is being approved" and "receiving an approval indication from the buying organization, the approval indication including an identification of those booked orders for which payment is authorized"*

Applicants further respectfully submit that Savage does not teach or suggest the step of "receiving an indication from at least one buyer as to which of the orders a payment is being approved," as expressly recited in independent claims 1 and 67, and "receiving an approval indication from the buying organization, the approval indication including an identification of those booked orders for which payment is authorized," as expressly recited in claims 25 and 48. Rather, Applicants respectfully submit that Savage merely discloses the receipt of payments and related processes, generally, but fails to teach or suggest any feature or functionality that receives an indication from at least one buyer as to which of the orders a payment is being approved, or receives an approval indication from the buying organization that includes an identification of those booked orders for which payment is authorized. For example, no teaching or suggestion is

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made that the payment indicates which of the orders is approved for payment, or that it comprises an approval indication including an indication of booked orders authorized for payment. The following excerpt demonstrates Savage's deficiency in this regard:

In an embodiment of the present invention, the payment processing system receives payments, posts payments to account, and processes. Payments are received, for example, by check, autopay, or the Internet. Payments are validated, and exceptions are processed. Payments are posted to accounts by applying payment amounts to accounts and decreasing the balance in accordance to the amount paid. Processing address changes includes receiving address changes and applying address changes to the customer database 184. The receivable management system involves financing; account management, risk management, and collections. Financing includes, for example, identifying client charges, applying pricing rules, forwarding payment to clients, and performing audits, as well as funding.

See, Savage, Page 15, ¶ 111.

Paragraphs 0087 and 0088 of Savage describes steps for handling customer *bill*, *incorrect rate and incorrect usage inquiries*, not the specific step of "receiving an indication from at least one buyer as to which of the orders a payment is being approved," as expressly recited in independent claims 1 and 67, or "receiving an approval indication from the buying organization, the approval indication including an identification of those booked orders for which payment is authorized," as expressly recited in claims 25 and 48:

[0087] FIG. 14 is a flow chart which provides further detail regarding the process of the customer 110 presenting a *bill inquiry* and adjustment regarding energy usage for an embodiment of the present invention. Referring to FIG. 14, the customer 110 sends a bill inquiry to the CSR 101 at S80. At S81, the CSR 101 receives the inquiry, gathers customer data, and logs the inquiry to the dispute tracking database 122. The CSR 101 also accesses the U-bill system 164, retrieves the customer bill record, and reviews the bill with the customer 110. FIG. 15 is a flow chart which provides further detail regarding the process of bill inquiry and adjustment regarding energy usage where the inquiry relates to an *incorrect rate*, for an embodiment of the present invention. Referring to FIG. 15, at S90, the customer 110 reviews the bill and sends an incorrect rate inquiry to the CSR 101. At S91, the CSR 101 receives the inquiry, verifies the vendor's methods and procedures from the vendor methods and procedures database 176, and sends a correct rate request to the order entry system 116 and the bill calculator 146. The

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bill calculator 146 receives the correct rate, calculates a credit due, and sends a credit to account to the CSR 101 at S92. At S93, the CSR 101 receives and logs the credit account to the CAP system 142.

[0088] FIG. 16 is a flow chart which provides further detail regarding the process of bill inquiry and adjustment regarding energy usage where the inquiry relates to incorrect usage for an embodiment of the present invention. Referring to FIG. 16, the customer 110 reviews the bill and sends an incorrect usage inquiry to the CSR 101 at S100. At S101, the CSR 101 receives and logs the disputed charge to the CAP system 142. The CAP system 142 receives and sends the disputed charge to the dispute tracking system 122 at S102. The dispute tracking system 122 receives the disputed charge and generates a dispute tracking number to the CSR 101 at S103. The CSR 101 receives the dispute tracking number and generates a meter re-read request to the wires and pipes database 194 at S104. The wires and pipes database 194 receives the request and sends a re-read message to a vendor technician at S105. The vendor technician receives the message, re-reads the meter and logs the re-read data to the wires and pipes database 194 at S106. The wires and pipes database 194 receives the data and generates a re-read data flat file to the energy bill calculator 146 at S107. At S108, the energy bill calculator 146 receives the flat file, logs to the dispute tracking system 122, makes a bill adjustment, and sends the bill adjustment to the retail company bill aggregator 124. The retail bill company aggregator 124 receives the bill adjustment and sends the bill adjustment to the CAP system 142 at S109. The CAP system 142 receives the bill adjustment, logs the resolved disputed item, and sends the bill adjustment to the dispute tracking system 122 at S110. At S111, the dispute tracking system 122 receives the bill adjustment and closes out the disputed item.

See Savage, Paragraphs, 0087 and 0088.

Applicant respectfully submits that the receipt and processing of bill inquiries that relate to incorrect rates and incorrect usages, as performed by Savage, is not the same as "receiving an indication from at least one buyer as to which of the orders a payment is being approved," as expressly recited in independent claims 1 and 67, or "receiving an approval indication from the buying organization, the approval indication including an identification of those booked orders for which payment is authorized," as expressly recited in claims 25 and 48. That is, Applicant respectfully submits that processing bill complaints is not the same as processing order approvals. Moreover, Savage involves processing bill complaints, where the claimed systems and methods relate to processing order approvals. Therefore, Applicants respectfully submit

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that Savage fails to teach or suggest the step of “receiving an indication from at least one buyer as to which of the orders a payment is being approved,” or “receiving an approval indication from the buying organization, the approval indication including an identification of those booked orders for which payment is authorized.” Accordingly, Applicants respectfully submit that independent claims 1, 25, 48 and 67 are allowable over the cited references for at least the reasons set forth above.

B. *Schlect and Langhammer*

The Examiner concedes that Savage fails to teach subsidiaries and an order environment. However, the Examiner alleges that Schlect teaches a consolidated billing system in which resources are provided by a single resource provider (column 9, lines 34-52). The Examiner alleges that “[t]hese resources can be tracked, presented and billed separately for individual companies or combined into one invoice (column 15, lines 8-39 and column 24, lines 20-40).” Further, the Examiner alleges that “Langhammer teaches a merchant-affiliated direct wholesale marketing and fulfillment system in which orders taken at one seller corresponding to multiple affiliated wholesalers are consolidated into a single invoice as well as payment allocation (page 8, paragraph 0077 and page 8, paragraph –78). The Examiner alleges that Langhammer also teaches providing unique identifiers associated with an invoice (page 7, paragraph 0075). The Examiner alleges that “[i]t would have been obvious to one of ordinary skill in the art at the time of the Applicant’s invention to modify Savage to include the teachings of Schlect and Langhammer because they all teach consolidating invoices for consumers that make multiple purchases from more than one seller and the consolidation of the invoices.”

Applicant respectfully submits, however, that neither Schlect nor Langhammer make up for Savage’s deficiencies set forth above. Further, Applicant respectfully submits that Schlect’s

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disclosure of tracking and presenting resources "for individual companies or combined into one invoice" does not teach or suggest the specific step of "receiving two or more orders from at least one buyer, the orders corresponding to more than one subsidiary of the seller." In particular, there is nothing in Schlect that states that the "more than one companies" are subsidiaries, as required in claims 1 and 67. Moreover, Applicant respectfully submits that the Examiner has not set forth a proper motivation to combine the references. Applicant respectfully submits that Savage does not teach or suggest the modification of its system and method of combined billing of multiple accounts on a single statement to be able to receive orders from "more than one company." Accordingly, Applicant respectfully submits that the proposed motivation to combine is improper.

Regarding Langhammer, Applicant respectfully submits that it does not teach or suggest the specific step of "receiving two or more orders from at least one buyer," as expressly recited in the independent claims. To the extent the Examiner relies upon Langhammer to reject dependent claims 91-94, Applicant respectfully submits that Langhammer does not teach or suggest the specific step of "assigning a unique reference number to the consolidated invoice to enable tracking and invoice management," as set forth in each of claims 91-94. Moreover, Applicant respectfully submits that the Examiner has not set forth a proper motivation to combine the references. Accordingly, Applicant requests that the improper pending obviousness rejection be withdrawn.

C. Claims 13, 23, 35, 42, 79, 80 and 89--"Codes"

Regarding claims 13, 23, 35, 42, 79, 80 and 89, the Examiner asserts that "Savage fails to teach entering a reason code," but alleges that "Remington teaches the use of reason codes when disputing a transaction in a billing environment (column 11, lines 48-55)." Further, the

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Examiner alleges that Verderamo “teaches the use of reason codes when disputing a transaction in a billing environment (column 4, lines 37-48).” The Examiner asserts, therefore, “that it would have been obvious to one of ordinary skill in the art at the time of the Applicant’s invention to modify the teachings of Savage, Schlect and Langhammer to include the reason code teachings because they all teach invoice analysis and exceptions so that the consumer is not charged for transactions they would like to dispute.” However, Applicant respectfully submits that neither Remington nor Verderamo -- alone or in combination -- teaches or suggests the specific limitations of claims 13, 23, 35, 42, 79, 80 and 89 relating to codes. Rather, Applicant respectfully submits that while Remington and Verderamo generally disclose the use of reason codes, they do not specifically disclose the limitations of claims 13, 23, 35, 42, 79, 80 and 89 as it relates to reason codes. For example, neither Remington nor Verderamo teaches or suggests any feature or functionality that specifically relates to an “indication [that] includes the act of entering a code corresponding to a reason payment is being approved or denied for a sub-invoice item,” as set forth in claim 13. The limitations of claims 23, 35, 42, 79, 80 and 89 are also not disclosed by Remington or Verderamo.

D. Independent Claim 65

Regarding independent claim 65 (and other claims), the Examiner asserts that Savage teaches “receiving the authorized payment, disaggregating the received payment to associate portions of the received payment with one or more selling sub-entities; processing the received payment to update an accounts receivable system, generating at least one funding report, delivering the at least one funding report to the respective sub-entities; and transferring the disaggregated funds to financial accounts for the corresponding sub-entities (page 15, paragraph 0110-0111 and page 16, paragraph 0113).”

Applicants respectfully submit, however, that Savage does not teach or suggest the steps of "disaggregating the received payment to associate portions of the received payment with one or more selling sub-entities; processing the received payment to update an accounts receivable system, generating at least one funding report, delivering the at least one funding report to the respective sub-entities; and transferring the disaggregated funds to financial accounts for the corresponding sub-entities," as expressly recited in independent claim 65. The excerpts from Savage cited by the Examiner as purportedly teaching these limitations merely disclose the presentation of a single bill, the receipt of payment, and the performance of various analyses:

In an embodiment of the present invention, the statement generation system 164 takes the charges from the retail company aggregator 124 and the credit card 154 and the telephony 152 direct feeds, places them on a single bill, and applies any overall financial institution discounts. The system 164 renders and delivers a bill to the customer 110 in the customer's preferred format. The retail company charges are combined with credit card and telephony charges. In a combined bill for the customer 110 the retail company charges are combined with the customer's credit card charges and any direct telephony charges for the billing cycle. Any financial institution overall discounts are applied. Any overall financial institution discounts based on the retail company plus the financial institution plus telephony purchases by the individual customer are applied. A discount is given to the customer 110 for receiving a combined bill. Financial institution affinity points are calculated and applied. The applicable affinity points offered by the financial institution 100 or telephony for the customer based on the overall retail company plus financial institution plus telephony purchases are calculated. The bill or statement is rendered in the format desired by the customer 110 and delivered to the customer 110 by paper invoice, electronic (Web based) invoice, or electronic (CD-ROM or floppy) invoice. FIGS. 24-29 show a sample of the combined statement generated for the customer 110 by the statement generation system 164 for an embodiment of the present invention. FIG. 30 depicts the annual expenditures by industry.

In an embodiment of the present invention, the payment processing system receives payments, posts payments to account, and processes. Payments are received, for example, by check, autopay, or the Internet. Payments are validated, and exceptions are processed. Payments are posted to accounts by applying payment amounts to accounts and decreasing the balance in accordance to the amount paid. Processing address changes includes receiving address changes and applying address changes to the customer database 184. The receivable management system involves financing; account management, risk management,

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and collections. Financing includes, for example, identifying client charges, applying pricing rules, forwarding payment to clients, and performing audits, as well as funding.

* * * * *

In an embodiment of the present invention, marketing analysis includes performing behavioral analysis, such as performing modeling to identify customer behavior tendencies and publishing reports; and performing financial analysis, such as performing analysis for marketing results reporting and publishing reports. Program management involves managing test plans, such as managing the implementation of market tests, publishing status reports and identifying and resolving implementation issues; implementing market plans, such as managing the implementation of market tests, publishing status reports, and identifying and resolving implementation issues; and publishing marketing reports, such as providing system infrastructure to capture performance data and publishing performance reports.

See Savage, Pages 15, ¶ s 0110 and 0111 and Page 16, ¶ 0113.

In particular, Applicants respectfully submit that there is no teaching or suggestion of the steps of “disaggregating the received payment to associate portions of the received payment with one or more selling sub-entities; processing the received payment to update an accounts receivable system, generating at least one funding report, delivering the at least one funding report to the respective sub-entities; and transferring the disaggregated funds to financial accounts for the corresponding sub-entities,” as expressly recited in claim 65.

Accordingly, Applicant respectfully submits that independent claim 65 (and its dependent claims) is allowable over the cited references for at least the reasons set forth above.

E. Claims 24, 66, and 90

Regarding claims 24, 66 and 90, the Examiner asserts that “Savage fails to teach funding a subsidiary corresponding to a holding account via a foreign exchange if the incremental funding account equals or exceeds a predetermined total when combined with a holding account amount.” However, the Examiner takes “Official Notice ... that funding accounts is old and well

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known in the art.” The Examiner further asserts, therefore, that “it would have been obvious to one of ordinary skill in the art at the time of the Applicant’s invention to modify the teachings of Savage and including funding a subsidiary corresponding to a holding account via a foreign exchange if the incremental funding amount equals or exceeds a predetermined total when combined with a holding account amount because it is an efficient manner of allocating funds to subsidiaries.”

Applicant traverses this rejection because there is no support in the record for the conclusion that the identified features are “old and well known.” In accordance with MPEP § 2144.03, Applicants respectfully request that the Examiner cite a reference in support of his position.

As set forth above, therefore, Applicant respectfully submits that Savage does not teach or suggest each and every limitation of the pending claims. In addition, Applicant respectfully submits that there is no motivation to modify Savage in the manner described by the Examiner. In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 13, 21-24, 35, 41, 42, 65, 66, 79, 80 and 87-90 be withdrawn.

F. Dependent Claims

Claims 2-24, 26-47, 49-64, 68-90, and 91-94 are dependent upon independent claim 1, 25, 48 or 67. Thus, since independent claims 1, 25, 48 and 67 should be allowable as discussed above, claims 2-24, 26-47, 49-64, 68-90, and 91-94 should also be allowable at least by virtue of their dependency on independent claim 1, 25, 48 or 67. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claims 91-95 further recite the step of “assigning a unique reference number to the consolidated invoice to enable tracking and invoice management” or

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"wherein the received funds include an assigned reference number corresponding to a consolidated monthly statement." Applicant respectfully submits that Savage does not teach or suggest any of the features or functionality recited in new claims 91-95. In particular, Applicant respectfully submits that Savage does not teach or suggest any feature or functionality that "assign[s] a unique reference number to the consolidated invoice to enable tracking and invoice management" or "wherein the received funds include an assigned reference number corresponding to a consolidated monthly statement," as set forth in new claims 91-95.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-90 be withdrawn.

II. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

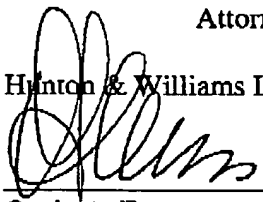
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Respectfully submitted,

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